



Urgent Update on Local Redistricting

January 7, 2022

Earlier this week, ACCG was informed that the Secretary of State's Office has requested that election staff input all redistricting changes from new redistricted maps into their voter registration system by February 18, 2022. This request is being made to ensure all voters are in correct districts in time for qualifying the week of March 7, 2022. A copy of the letter can be found [here](#). Additionally, both the House and Senate leadership have indicated that all local redistricting legislation must pass by the beginning of February to meet this deadline.

While the deadline provided by the Secretary of State's Office is not a legal requirement, it is the deadline that elections staff believe to be necessary to administratively prepare for qualifying. Further, it has been noted by the press that Governor Kemp has communicated to legislators that he wants all local redistricting maps ready for signature prior to qualifying. As such, ACCG recommends that counties that have not yet completed or adopted their maps in preparation for the local Act to be prepared by the General Assembly to consider the following steps in streamlining the process:

1. CRITICAL LOCAL AD REDISTRICTING INFORMATION. Please see below for details.
2. All maps that are not drawn by the Reapportionment Office (i.e., maps drawn by the county or by a consulting group) must be certified through a technical review by the Reapportionment Office before they can be adopted locally or can be introduced by the General Assembly. This is a brand-new requirement that was passed in 2019. This step is not needed for maps drawn for your county by the Reapportionment Office. The Reapportionment Office has noted that almost all maps that are drawn outside of their office require changes to be made once they are submitted for technical review. Allowing the Reapportionment Office to correct these issues rather than having the county or consulting group make the correction and send it back to the Reapportionment Office for review will reduce the time it takes to certify the map.
3. If your county is making changes other than simply adjusting district lines such as changing commissioner terms (length of term, staggered versus concurrent), changing district numbers/names, switching from at-large to district or vice versa, etc., make sure that these proposed changes have been noted in your communications with Reapportionment and in preparation for the local Act.
4. Complete the [Post-2020 Census Local Redistricting Checklist and Chart](#) and provide to your legislative sponsor for legislative counsel to use in drafting your local Act. Completing this form may save time in the creation of your local Act in that all the details needed to draft the Act will have been provided in one document.

CRITICAL LOCAL AD REDISTRICTING INFORMATION

1. When is a Notice Required to be Published?

In order to introduce any local legislation (**including a local redistricting bill**), O.C.G.A. § 28-1-14(a) requires that a notice of intent must be posted in the county legal organ. If the notice is run prior to the convening of the legislative session, it cannot be more than 60 days prior to the date of the convening of the legislative session. If the session has convened, then in whatever week the notice runs, the bill cannot be introduced until Monday of the calendar week following the week in which it was published. For example, if the notice is published on a Saturday (the last day of a calendar week) the bill could be introduced in two days on the immediately following Monday since Sunday is the first day of a calendar week.

Because of the compressed timeframe, a county should consider running a legal notice as soon as possible! That way, the local bill can be introduced as quickly as possible once the work on the revised commissioner districts map has been completed.

2. Who Can Publish a Notice?

Either the county or the bill sponsor can post the ad in the legal organ. The notice needs to identify the subject matter of the bill to be introduced and should reference the specific Session of the General Assembly in which the local bill will be introduced.

3. What Must a Notice Contain?

Careful consideration should be given to how the notice is to be structured. The notice could be general, or it could be quite specific. O.C.G.A. § 28-1-14 is silent regarding the substantive contents of the notice. The courts have been generous in their holdings on the actual contents of the notice and have ruled that no more information is needed than what is stated in the title (or caption) of the bill, and, that a broadly worded notice was sufficient. The structure of a notice matters because it will control whether or not changes can be made to the bill after it has been introduced.

The decision on which type of notice to use needs to be given IMMEDIATE CONSIDERATION by the board of commissioners in consultation with the county attorney and the members of the local legislative delegation.

4. General Type of Notice.

A **general** notice would be something along the lines of the following EXAMPLE:

“NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2022 session of the General Assembly of Georgia a bill to amend an Act *creating the board of commissioners of _____ County, approved September 11, 1911, Ga. L. 1911, p. 11*, as amended; and for other purposes.

”.

When drafting your local ad, please note that in the above example, the italicized material should match the language from your county’s particular local Act on the board of commissioners!

There is an advantage to crafting a notice in such a general way. Because it is broad in scope, it would allow the bill to be amended during the legislative process to include other amendments to the board of commissioners’ law. However, this very thing could also be a disadvantage. Suppose the county, or the bill’s sponsor, did not want to allow any other amendments to the bill? If that is desired, they could not use the ad to block the additional changes. Additionally, this broad notice could be used for other separate pieces of legislation that pertained to that same local Act without the necessity of running a new notice.

A final point to note is that while a general notice does provide some ‘process’ advantages to the county, it is less helpful to members of the public in that it can fail to provide meaningful assistance in describing exactly what changes are being contemplated by the legislature.

5. Specific Type of Notice.

A **specific** notice would be something along the lines of the following EXAMPLE:

“NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2022 session of the General Assembly of Georgia a bill to amend an Act *creating the board of commissioners of _____ County, approved September 11, 1911, Ga. L. 1911, p. 11*, as amended, so as to change the composition of the election districts from which the members of the county board of commissioners are elected; to provide for implementation of such changes; to define certain terms; to provide for continuation in office of persons serving as members of the board on a certain date; to provide for the election and terms of members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

”.

When drafting your local ad, please note that in the above example, the italicized material should match the language from your county’s particular local Act on the board of commissioners!

There is an advantage to crafting a notice in such a specific way. Because it is narrow in scope, it would NOT allow the bill to be amended during the legislative process to include other amendments to the board of commissioners' law. In the case of the above example, changes needed for redistricting would be allowed, but changes to the salaries of the commissioners would be beyond the scope of the notice. However, this limitation could also be a disadvantage. Suppose the county, or the bill's sponsor, DID want to allow any other amendments to the bill? If that is desired, they could NOT because the notice was so narrowly drawn. A new notice and a new bill would then be needed for the additional changes. This could be a problem in the latter part of the session because of the requirement of not being able to introduce the bill until the calendar week after the notice had run.

A final point to note is that while a specific notice does not provide some 'process' advantages to the county, it is helpful to members of the public in that it can provide meaningful assistance in describing exactly what changes are being contemplated by the legislature.

6. Passage Timeframe

The shortest timeframe that it takes to pass a local bill is five days, therefore it is necessary to plan accordingly. This timeframe is unforgiving and may only be met if NOTHING goes wrong. As a practical matter, any number of things could go wrong so waiting until the last moment is NEVER a good idea. This is especially true in the case of the February 18 deadline.

ACCG updated the Local Redistricting Toolkit in December to include more FAQs and a sample redistricting resolution. It is available on the ACCG website [here](#). If your county has any questions about maps or the new certification process for maps drawn outside of the Reapportionment Office, please contact Brian Knight, Local Redistricting Coordinator at brian.knight@legis.ga.gov. If your county attorney has questions about the local ad or preparations for the local Act, please have him or her contact Stuart Morelli, Deputy Legislative Counsel at 404-656-5000.